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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,359	11/18/1999	DONALD E. GILLESPIE	USW#1674	8540

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EXAMINER

NGUYEN, TU X

ART UNIT PAPER NUMBER

2682

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

prh

Office Action Summary

Application No.

09/444,359

Applicant(s)

GILLESPIE ET AL. 

Examiner

Tu X Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-34, 37-39 and 42, are rejected under 35 U.S.C. 102(e) as being anticipated by Titmuss et al. (US patent 6,397,040).

As to claim 1, Titmuss et al. disclose a method for processing communication services for a mobile subscriber associated with a wireless network, the method comprising:

Receiving from the mobile subscriber user-defined, location-dependent rules associated with at least one communication service subscribed to by the mobile subscriber (see col.11 lines 25-35).

Determining a current location of the mobile subscriber (see col.2 lines 57-62);
and

processing the communication services based on the location-dependent rules and the current location of the mobile subscriber (see col.2 line 63 through col.3 line 15).

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As to claims 17-23, Titmuss et al. disclose a system for processing communication services for a mobile subscriber associated with a wireless network, the system comprising:

A database for storing user-defined, location-dependent rules associated with at least one communication service subscribed to by the mobile subscriber (see col.6 lines 27-55); and

Service logic for determining a current location of the mobile subscriber and generating call processing instructions for processing the communication services based on the user-defined, location-dependent rules and the current location of the mobile subscriber (see col.6 lines 27-55).

As to claim 2 and 30-31, Titmuss et al. disclose receiving the user-defined, the location-dependent rules comprises:

Receiving from the subscriber a specification for at least one geographic area associated with the mobile subscriber (see col.3 lines 26-33); and

Receiving from the subscriber rules for processing the at least one communication service for the mobile subscriber when the mobile subscriber is in one of the geographic area (see col.3 lines 58-61 and col.9 lines 54-59).

As to claims 3-4, Titmuss et al. disclose the specification defines a dynamic area dependent on the instantaneous location of the subscriber (see col.8 lines 19-42).

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As to claims 5-7, Titmuss et al. disclose the specification defines a static geographic area independent of the current location of the subscriber (see col.11 lines 26-35).

As to claims 8 and 14-15, Titmuss et al. disclose the wireless network includes at least one base station (B1) at a known location for communicating with the mobile subscriber and wherein determining the current location of the mobile subscriber (see col.4 lines 54-55) comprises:

Receiving a signal from the mobile subscriber; and

Determining the location of the mobile subscriber based on the signal from the mobile subscriber and the known location of the at least one base station (see col.5 lines 22-27).

As to claims 9, 11-13, 27-29, Titmuss et al. disclose receiving the signal includes continuously receiving the signal from the wireless subscriber (see col.5 lines 13-28).

As to claim 10, 26 Titmuss et al. disclose receiving signal includes the signal from the wireless subscriber in response to a prompt from the wireless network (see col.3 lines 58-61 and col.9 lines 54-62).

As to claims 16 and 32, Titmuss et al. disclose determining supplemental subscriber information from the mobile subscriber (see col.6 lines 59-65); and

Wherein processing the communication services further comprises processing the communication services based on the supplemental subscriber information, the current location of the subscriber and the user-defined, location dependent rules (see col.3 lines 7-61).

As to claim 24, it is considered that the system of the Titmuss et al. as applied above to claims 9 and 17 produces the method comprising the steps as claimed.

As to claim 25, it is considered that the system of the Titmuss et al. as applied above to claims 9 and 16 produces the method comprising the steps as claimed.

As to claims 33, 37-38 and 42, Titmuss et al. disclose the current location of the mobile subscriber includes an area not defined by the boundaries of a cell of the wireless network (see col.8 lines 46-66).

As to claims 34 and 39, Titmuss et al. disclose at least one communication service includes caller identification (see col.7 lines 1-2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 35-36 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Titmuss and further in view of Dufour et al (US Patent 6,212,377).

Regarding to claims 35-36, 40-41, Titmuss et al. fail to disclose at least one communication service includes call forwarding and do not disturb.

Dufour et al. disclose at least one communication service includes call forwarding and do not disturb (see col.4 lines 30-45). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Titmuss with the above teaching of Dufour et al. in order to provide basic services for wireless phones.

Response to Amendment

5. Applicant's arguments with respect to claims 1 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

September 10, 2002



VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

9/30/02